



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R10-OAR-2014-0018, FRL-9912-55-Region 10]

Approval and Promulgation of Implementation Plans; Oregon: Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the portion of the December 27, 2013, State Implementation Plan (SIP) submittal from Oregon relating to the infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for lead (Pb) on October 15, 2008. The CAA requires that each state, after a new or revised NAAQS is promulgated, review their SIP to ensure that it meets the infrastructure requirements necessary to implement the new or revised NAAQS. The EPA finds that the Oregon SIP meets the CAA infrastructure requirements for the 2008 Pb NAAQS.

DATES: This final rule is effective on [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA-R10-OAR-2014-0018. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, i.e., Confidential Business Information or other information the disclosure of

which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at EPA Region 10, Office of Air, Waste, and Toxics, AWT-107, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that you contact the person listed in the FOR FURTHER INFORMATION CONTACT section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kristin Hall at: (206) 553-6357, hall.kristin@epa.gov, or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever “we,” “us” or “our” is used, it is intended to refer to the EPA. Information is organized as follows:

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I. Background

Section 110 of the CAA specifies the general requirements for states to submit SIPs to implement, maintain, and enforce the NAAQS and the EPA’s actions regarding approval of those SIPs. On December 27, 2013, Oregon submitted a SIP revision to the EPA demonstrating that the SIP meets the infrastructure requirements of the CAA for the 2008 Pb NAAQS, 2010 nitrogen dioxide NAAQS, and 2010 sulfur dioxide NAAQS. On April 17, 2014, we proposed approval of the portion of Oregon’s December 27, 2013, submittal relating to the 2008 Pb NAAQS (79 FR 21679). An explanation of the CAA requirements and implementing

regulations that are met by this SIP revision, a detailed explanation of the revision, and the EPA's reasons for the proposed action were provided in the notice of proposed rulemaking on April 17, 2014, and will not be restated here. We note that we intend to address the remainder of the December 27, 2013, submittal, relating to the infrastructure requirements of the 2010 nitrogen dioxide NAAQS and 2010 sulfur dioxide NAAQS, in a separate action (79 FR 21679). The public comment period for our proposed action ended on May 19, 2014, and we received no comments.

II. Final Action

The EPA is approving the portion of the December 27, 2013, submittal from Oregon relating to the infrastructure requirements of the 2008 Pb NAAQS. Specifically, we are approving the submitted revision to OAR 340-202-0130 "Ambient Air Quality Standard for Lead" and the addition of OAR 340-202-0020 "Applicability." We find that the Oregon SIP meets the following CAA section 110(a)(2) infrastructure elements for the 2008 Pb NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

As described in detail in our proposal on April 17, 2014 (79 FR 21679), we are not approving the submitted revision to OAR 340-200-0040 "State of Oregon Clean Air Act Implementation Plan." In addition, we are taking no action on the submitted revisions to OAR 340-200-0020 "General Air Quality Definitions, Table 1 - Significant Air Quality Impact," OAR 340-202-0070 "Sulfur Dioxide," and OAR 340-202-0100 "Nitrogen Dioxide" because these revisions are outside the scope of the 2008 Pb infrastructure SIP. We intend to address these revisions in a separate action. This action is being taken under section 110 of the CAA.

III. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and the EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the Federal Register. A major rule cannot take effect until 60 days after it is published in the Federal Register. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [FEDERAL REGISTER OFFICE: insert date 60 days from date of publication of this document in the Federal Register].

Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Lead, Particulate matter, and Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: June 5, 2014.

Dennis J. McLerran,
Regional Administrator,
Region 10.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart MM—Oregon

2. In § 52.1970, Table 2 in paragraph (c) is amended by adding in numerical order entry “202-0020 Applicability” and revising entry “202-0130 Ambient Air Quality Standard for Lead” under Division 202, after the table subheading “Ambient Air Quality Standards” to read as follows:

§ 52.1970 Identification of plan.

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(c) * * *

Table 2—EPA APPROVED OREGON ADMINISTRATIVE RULES (OAR)

State Citation	Title/Subject	State effective date	EPA approval date	Explanations
CHAPTER 340 - DEPARTMENT OF ENVIRONMENTAL QUALITY				
* * * * *				
Division 202 Ambient Air Quality Standards and PSD Increments				
* * * * *				
Ambient Air Quality Standards				
* * * * *				
202-0020	Applicability	11/7/2013	[Insert <u>Federal Register</u> publication date], [Insert <u>Federal Register</u> citation]	

* * * * *				
202-0130	Ambient Air Quality Standard for Lead	11/7/2013	[Insert <u>Federal Register</u> publication date], [Insert <u>Federal Register</u> citation]	
* * * * *				

3. Section 52.1991 is amended by adding paragraph (c) to read as follows:

§ 52.1991 Section 110(a)(2) infrastructure requirements.

* * * * *

(c) On December 27, 2013, the Oregon Department of Environmental Quality submitted a SIP revision to address the requirements of CAA sections 110(a)(1) and (2) for the 2008 lead NAAQS. The EPA approves the submittal as meeting the following CAA section 110(a)(2) infrastructure elements for the 2008 lead NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

[FR Doc. 2014-14567 Filed 06/23/2014 at 8:45 am; Publication Date: 06/24/2014]